

US Environmental Protection Agency and Navajo Nation Environmental Protection Agency

September 12-14, 2006

Window Rock, Arizona

**Burnham and Sanostee,
Navajo Nation**

Durango, Colorado





US EPA Region 9 – Pacific Southwest

- **US EPA's Pacific Southwest Region:**

**Navajo Nation, Arizona, California,
Hawaii, Nevada, and the Pacific Trust
Territory Islands.**

- **Our Mission: To protect public
health and the environment while
still allowing economic development.**





Overview

We are here today to talk about:

- The proposed permit for the Desert Rock coal-fired power plant.
- How you can participate in the public process for this proposed permit.



Overview

- The primary matter for discussion is the proposed air permit.
- This is only one step among many steps.



Examples of other requirements

REQUIREMENT	AGENCY INVOLVED
Clean Air Act	USEPA/NNEPA
Endangered Species Act	USFWS
National Environmental Policy Act	BIA
Clean Water Act	USEPA/NNEPA
Safe Drinking Water Act	USEPA/NNEPA
Resource Conservation and Recovery Act	USEPA/NNEPA
Surface Mining Control and Reclamation Act of 1977	Office of Surface Mining
National Historic Preservation Act	BIA or Navajo Nation



What is the project?

- Coal-fired electric generating facility.
- Projected to produce 1500 megawatts of electricity (about 1.2-million homes per year).
- Located 25 miles south of Shiprock, NM.



Why is EPA involved in this Action?

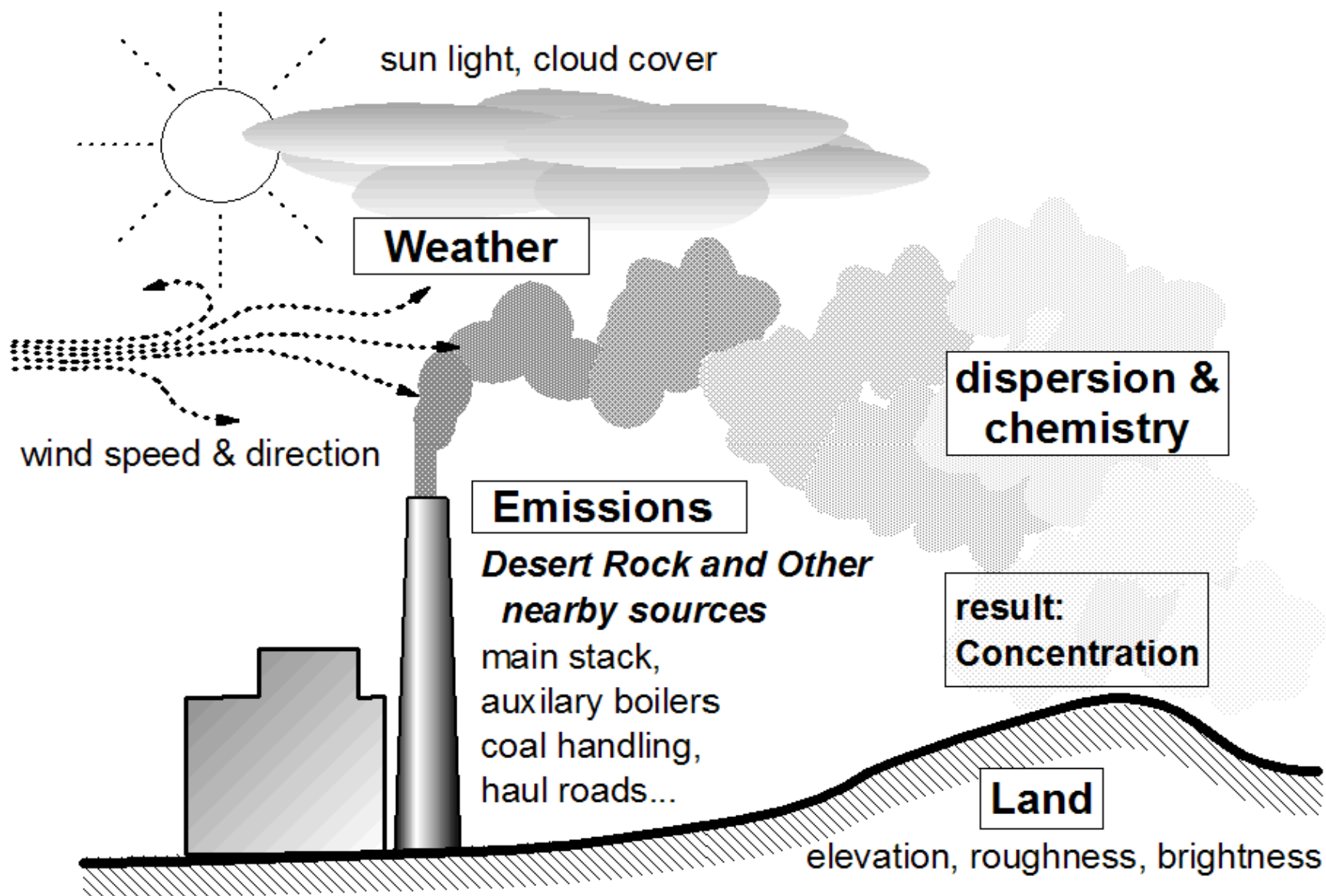
- EPA processes pre-construction permits where states or tribes do not have the authority to do so.
- At this time the Navajo Nation does not have the authority for PSD permitting.



What Does EPA Consider?

- Does the project meet the Clean Air Act pre-construction requirements?
- With respect to the pollutants considered under preconstruction review (SO_2 , NO_x , PM_{10} , CO, lead, and ozone):
 - Is public health protected?
 - Is air quality protected from deterioration?
 - Is visibility at Class 1 areas protected?

computer model to predict air quality impact





What EPA Determined

For the pollutants considered under preconstruction review (SO_2 , NO_x , PM_{10} , CO, lead, and ozone):

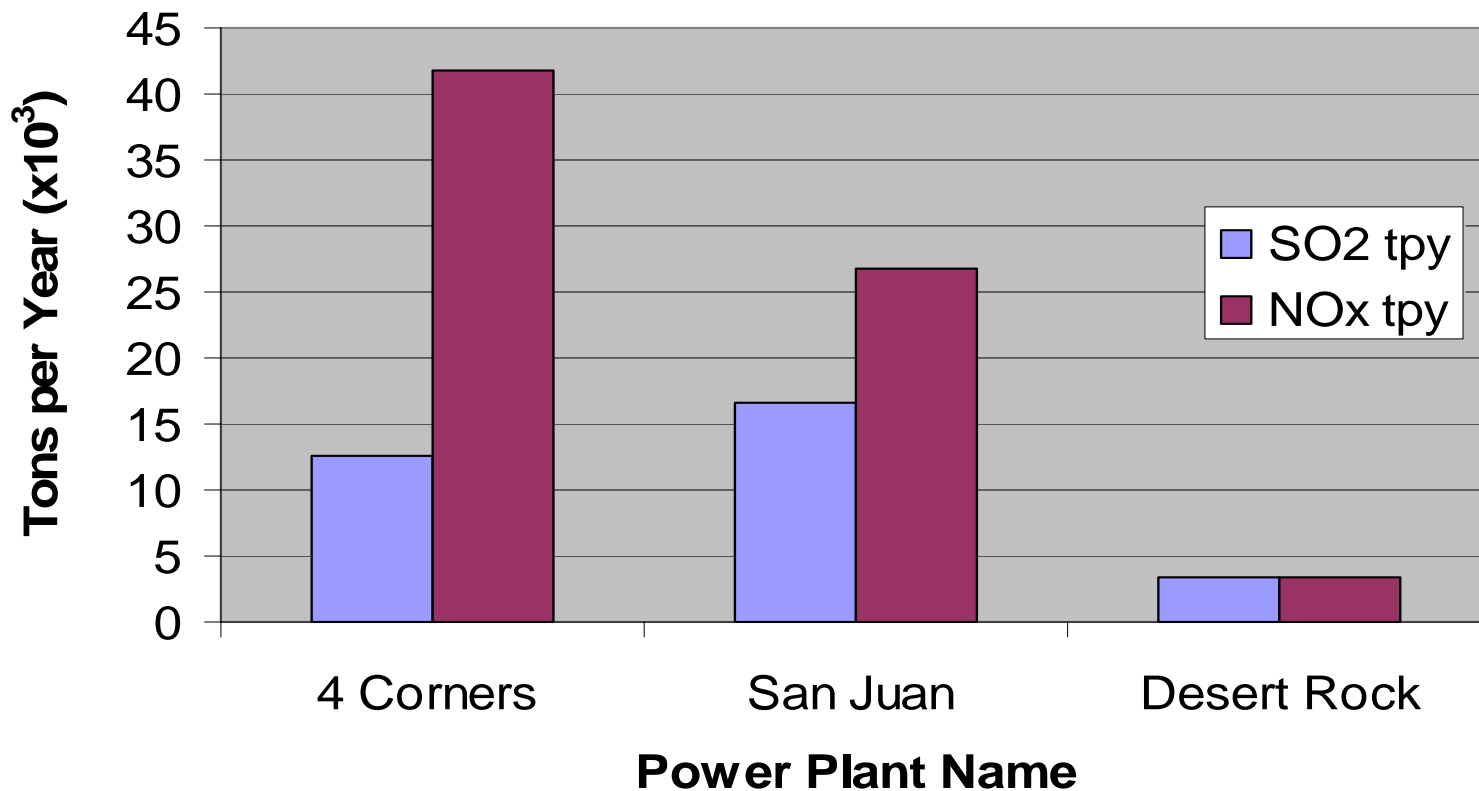
- Public health is protected.
- There will be no deterioration in air quality beyond what is allowed by the Clean Air Act.
- Modeling does not demonstrate an adverse impact on visibility.

This is true even when EPA considers the impact of this facility combined with existing facilities.



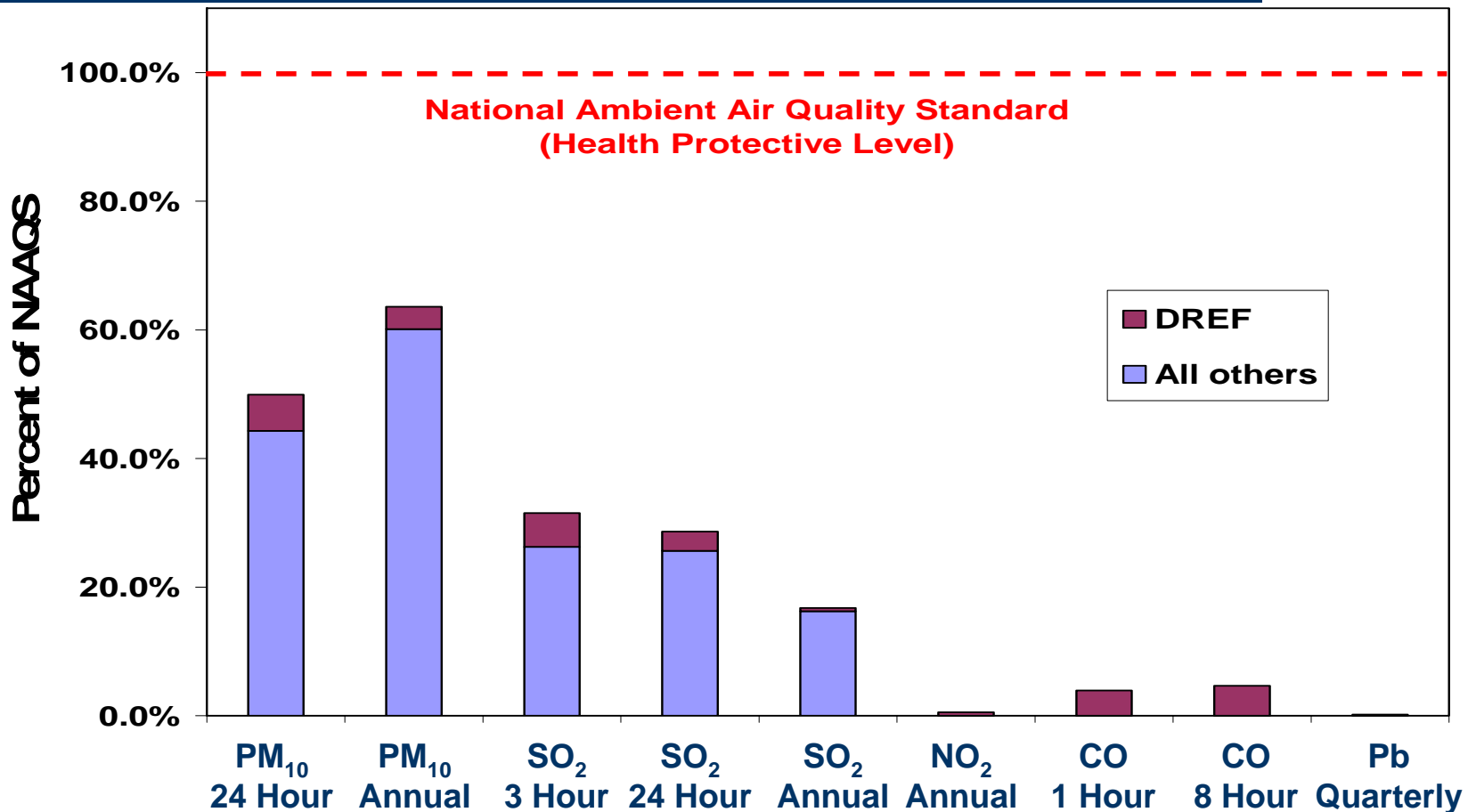
How does this facility compare?

Power Plant Emissions Comparison





Is Public Health protected?





What are we discussing today?

- Under the Clean Air Act there are two permits that the facility must obtain:

Prevention of Significant
Deterioration (PSD)

Operating Permit (Title V)

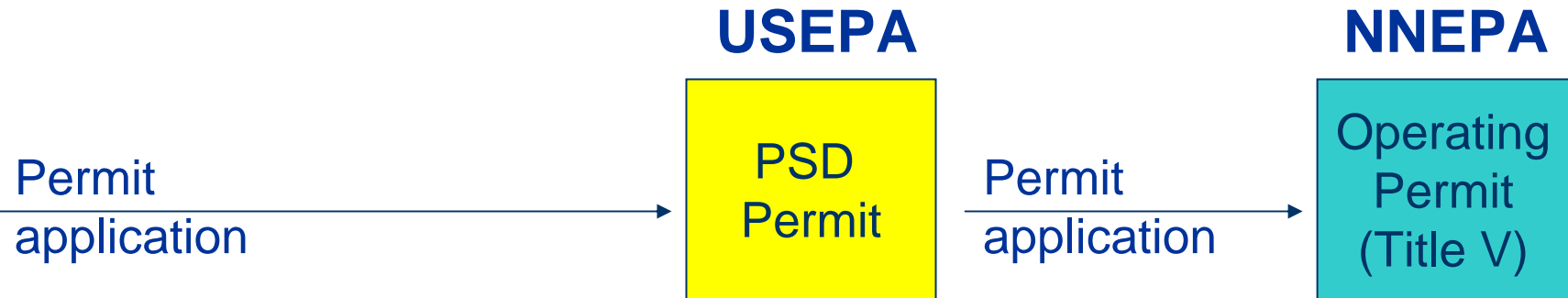


Who is the lead for Air Permitting?

- USEPA is the lead for PSD permitting
- Navajo EPA is the lead for Title V permitting (Received delegation of authority in October 2004 from USEPA)



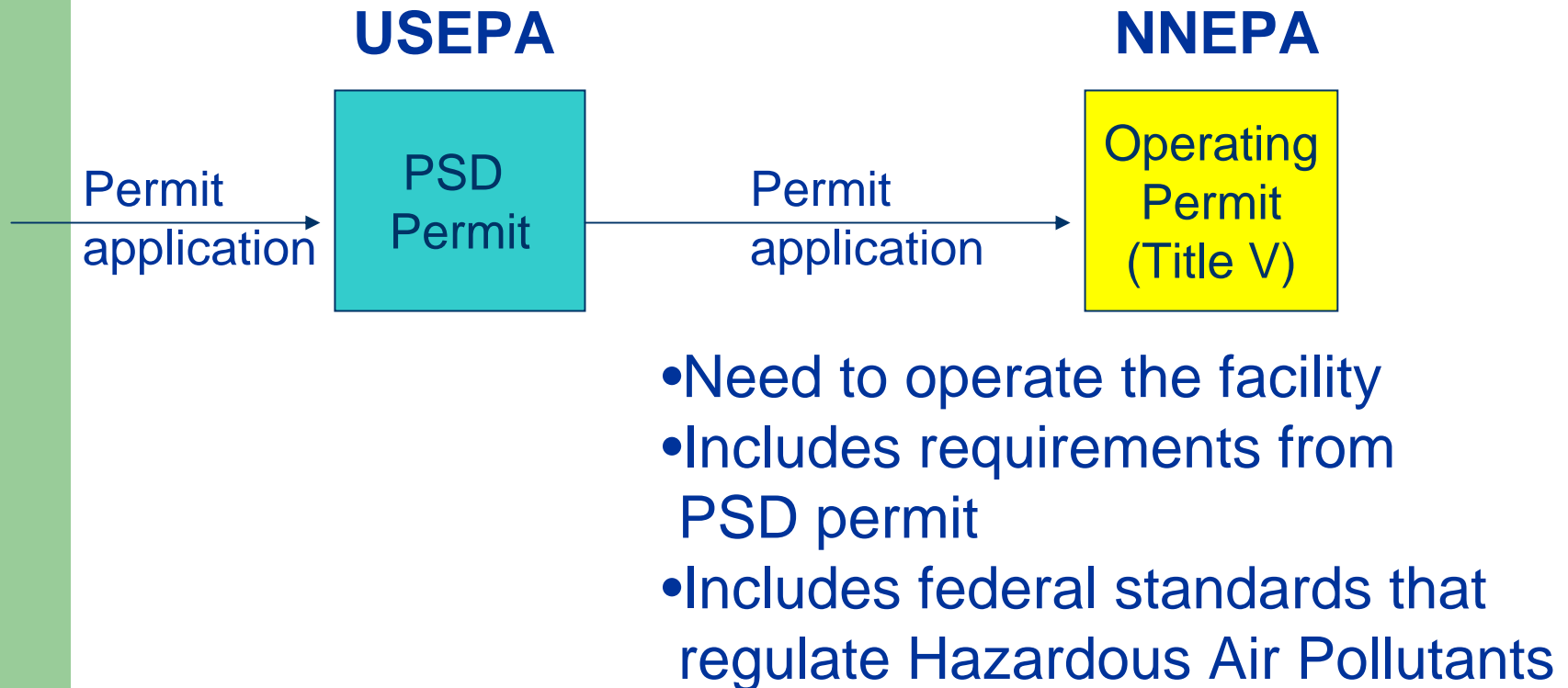
What is the permitting process?



- Need before construction
- Requires state-of-the-art pollution controls
- Protects the National Ambient Air Quality Standards (NAAQS) for SO₂, NO₂, PM₁₀, CO, Ozone and Pb.

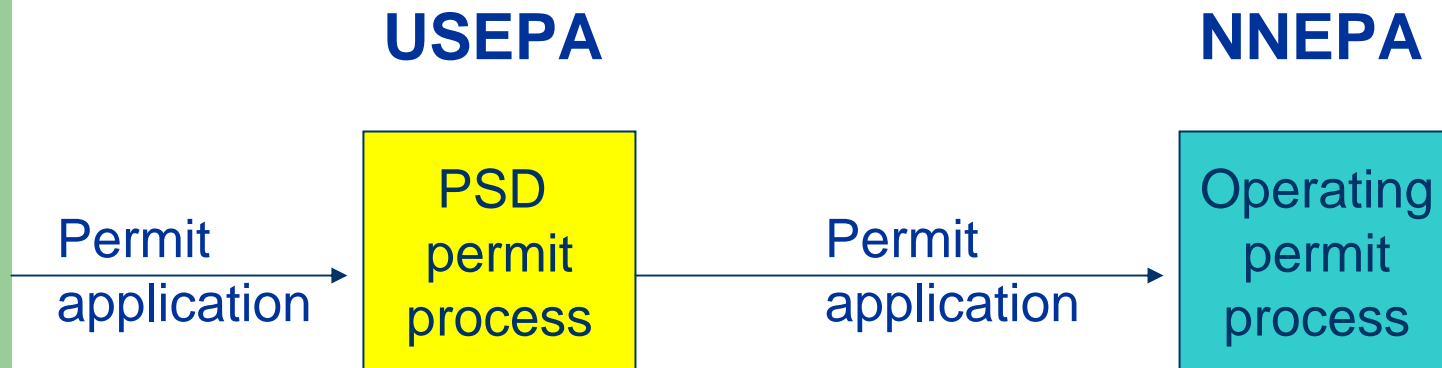


What is the permitting process?





Which permitting process are we in?



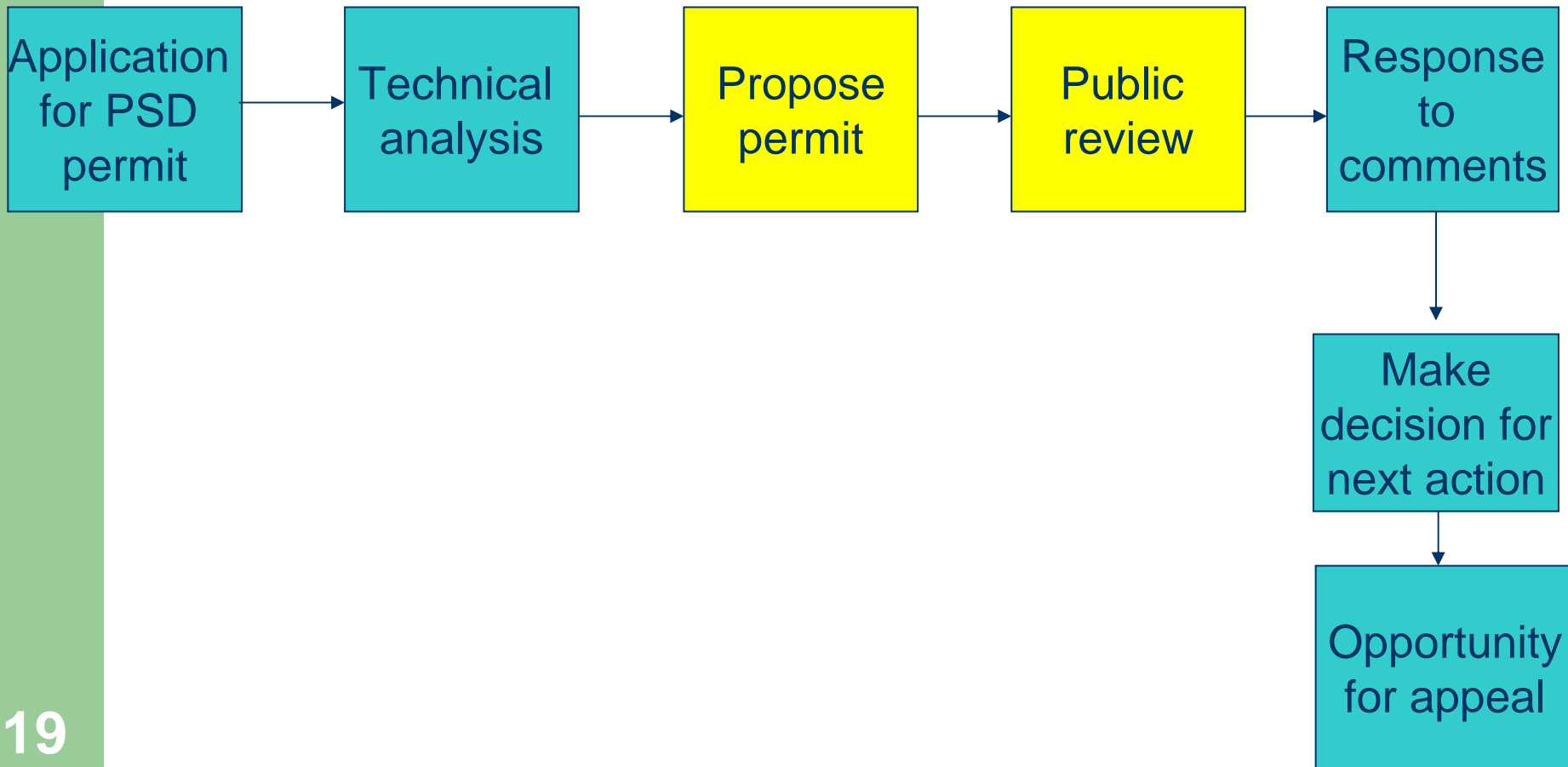


Key requirements to PSD permitting

- Protect the National Ambient Air Quality Standards (NAAQS)
- Protect visibility in Class 1 areas
- Require the Best Available Control Technology (BACT)
- Require emission measurements and verification
- Include public participation



Where are we in the PSD process?





Why did we propose?

- Applicant has met PSD requirements.
- Facility will have most stringent pollution control equipment in the U.S.
- Expected impacts are well below the health-based air quality standards.

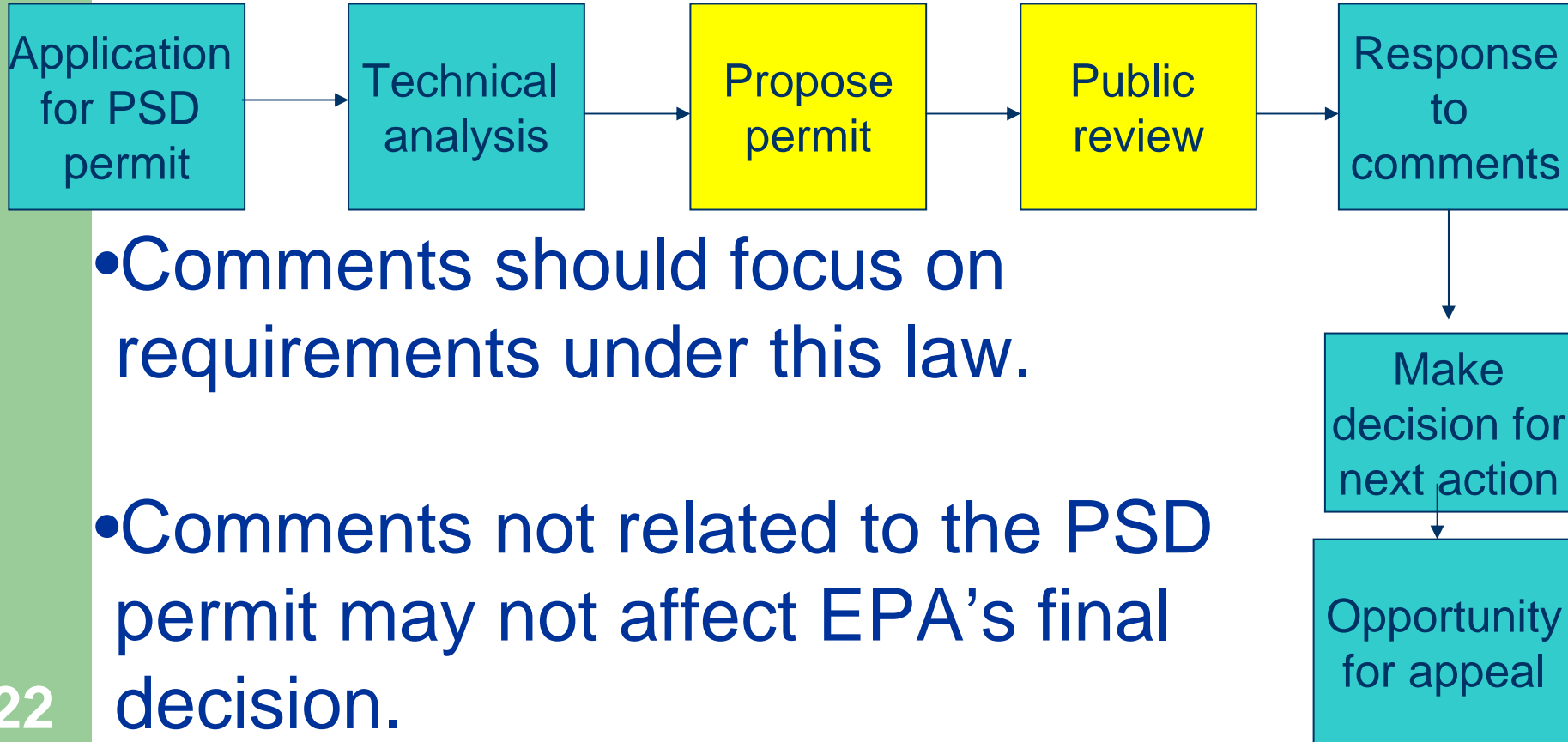


What is the proposal?

- EPA is proposing to issue a construction permit.
- Permit requires facility to construct with state of the art equipment and methodology.
- Permit requires facility to monitor emissions, keep records, and submit copies of records to EPA and Navajo EPA.



How can you affect final decision?





How can you affect final decision?

Comment on:

1. Best Available Control Technology (BACT) determinations;
2. Effects, if any, on Class 1 areas;
3. Effect of the proposed facility on ambient air quality and visibility; and
4. Attainment and maintenance of the NAAQS and increments.



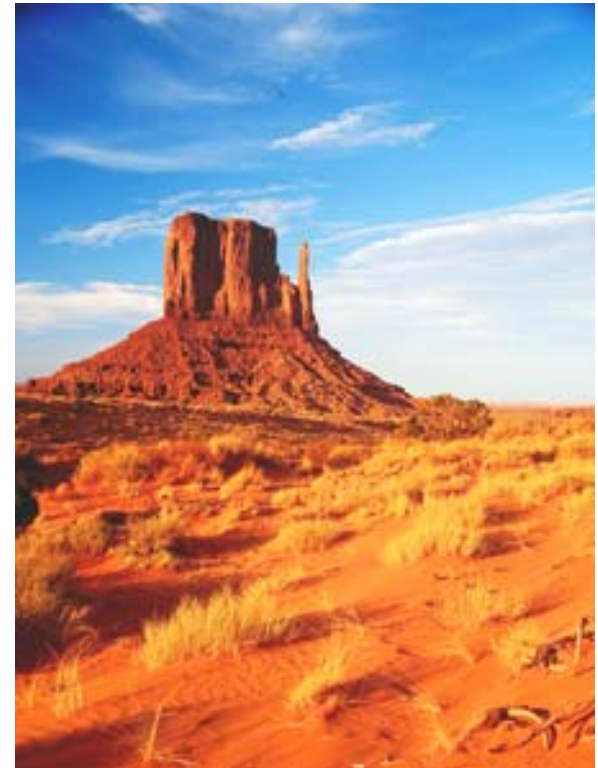
How much time do I have to comment?

- EPA must receive comments by October 27, 2006
- Fax comments to (415) 947-3579 ATTN: Robert Baker
- Mail comments to:
 - Robert Baker
 - Air Division, (AIR-3)
 - EPA, Region 9
 - 75 Hawthorne Street
 - San Francisco, CA 94105-3901
- Attend Public Hearings:
 - October 3rd, 2006 (Iron Horse Inn-Durango, CO.)
 - October 4th, 2006 (Shiprock High School, NM.)



Role of Navajo EPA

- Work together with EPA to ensure compliance at the plant.
- Facilitate community involvement.
- Issue and enforce Title V Operating Permit.





Role of Navajo EPA and compliance

- Navajo EPA will be able to inspect facility.
- Receive compliance reports.
- Make compliance information available to the public.
- Issue and enforce Title V permit.



Benefits to the Navajo Nation?

- Navajo EPA can exercise sovereign authority in regulating the facility.
- Be a leader and example for other tribes.
- Will allow for a balance between economic development & environmental protection.



Benefits to the Navajo Nation?

- Generate revenue and create jobs (since Mojave Generating Station & Black Mesa Mine closed).
- Contribute to overall improvement in air quality.
- FIP will enforce emission limits for the power plants.



Who can you contact?

<u>PROGRAM</u>	<u>AGENCY</u>	<u>Contact Name</u>	<u>Phone Number</u>
Clean Air Act	USEPA	Robert Baker	415-972-3979
	NNEPA	Wilson Laughter	928-729-4093
National Environmental Policy Act (NEPA)	BIA	Harrilene Yazzie	505-863-8287
	NNEPA	Eugenia Quintana	928-871-7800
	USEPA	Karen Vitulano	415-947-4178
Clean Water Act	NNEPA	Patrick Antonio Deb Misra	928-871-7185 928-871-7701
Safe Drinking Water Act	NNEPA	Yolanda Barney	928-871-7715
Resource Conservation and Recovery Act	NNEPA	Arlene Luther Cassandra Bloedel	928-871-7994 928-871-7816
Surface Mining Control and Reclamation Act	NN MINERALS	John Stucker	928-871-7944
Endangered Species Act	NN FISH & WILDLIFE	Jeffrey A. Cole Rita Whitehorse-Larsen	928-871-6451 928-871-7060
National Historic Preservation Act	NN HISTORIC PRESERVATION	Dr. Alan Downer	928-871-7136